

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHELE KATHER, KOURTNEY SELEE,
ALYSSA BUTTON, ANNA DREVENSTEDT,
JUSTIN CIRILLO, RON HITTINGER,
MILES KOPISH, HOLLY MARTIN, TAMARA
RADA, JESSICA STONE, RONDA K
OSTERBERG, JAMES WILSON, MYRANDA
MILLER, and MICHAELA BEGG,

Case No. 1:22-cv-01842-MC

ORDER

Plaintiffs,

v.

ASANTE HEALTH SYSTEM and
DOES 1 THROUGH 50,

Defendants.

MCSHANE, Judge:

Plaintiffs bring this religious discrimination action under Title VII and Oregon law against their former employer, Defendant Asante Health System (“Asante”). Am. Compl., ECF No. 8. Plaintiffs are fourteen individuals previously employed as healthcare workers by Asante. *Id.* ¶ 1. In August 2021, the Oregon Health Authority issued an administrative rule requiring healthcare workers statewide to be vaccinated against COVID-19. *Id.* ¶ 10. Plaintiffs opposed receiving the vaccine based on their individual religious beliefs and submitted religious exemption requests to Asante. *Id.* ¶ 32. Asante subsequently placed Plaintiffs on unpaid leave and later terminated Plaintiffs. *Id.* ¶ 62.

Asante filed a motion to dismiss seven of the fourteen named Plaintiffs, including Alyssa Button, Ron Hittinger, Miles Kopish, Holy Martin, Tamara Rada, Michaela Begg, and Ronda Osterberg. Def.'s Mot. Dismiss, ECF No. 13. Asante argues that the seven Plaintiffs' claims are fatally deficient on their face because they did not assert in their exception requests a sincerely held religious belief that conflicted with receiving the vaccine. *Id.* at 3. Plaintiffs respond that they adequately asserted religious beliefs in their exception requests, and filed several declarations and exhibits in support of their argument against dismissal. Pls.' Resp., ECF No. 14; Declarations, ECF Nos. 15, 16, 17, 18, 19, 20, 21, 22. Plaintiffs further request that the Court grant leave to amend their complaint to include more specific information about their exception requests. Asante urges the Court not to consider Plaintiffs' declarations, and alternatively requests that the Court reserve ruling on the motion until Asante is given an opportunity to respond to the new information. Def.'s Reply 2-3, ECF No. 24.

Given that Asante's motion could well result in amendment based on the additional information Plaintiffs submitted, the Court orders Plaintiffs to amend their complaint prior to the Court's ruling on Asante's motion. *See* Fed. R. Civ. P. 15; *see also Doe v. United States*, 58 F.3d 494, 497 (9th Cir. 1995) ("[L]eave to amend should be granted unless 'the pleading could not possibly be cured by the allegation of other facts.'"). Plaintiffs' amended complaint is due by April 5, 2023. Asante may refile its motion to dismiss after Plaintiffs file their amended complaint.

IT IS SO ORDERED.

DATED this 22nd day of March, 2023.

/s/ Michael J. McShane
Michael McShane
United States District Judge